



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. 11/18/02 Item: 2.n

File Number:
GP02-T-05

Council District and SNI Area:
Citywide

Major Thoroughfares Map Number:
N/A

Assessor's Parcel Number(s):
N/A

Project Manager:
Deanna Chow

GENERAL PLAN REPORT

2002 Fall Hearing

TEXT REFERENCE:

Amend Chapter V. Land Use/Transportation Diagram, Land Use Diagram, Residential, High Density Residential 25-50 Dwelling Units Per Acre, page 141; Discretionary Alternate Use Policies, Residential Uses on Commercially Designated Parcels, page 222; Location of Projects Proposing 100% Affordable Housing, page 223; and Residential Density Increases Along Major Transportation Arterials or Corridors, page 224.

PROJECT DESCRIPTION:

Amend the *San Jose 2020 General Plan* text to remove the requirement for a Planned Development Zoning for use of two Discretionary Alternate Use Policies and to allow for mixed-use development in one land use designation and one Discretionary Alternate Use Policy.

LOCATION:
Citywide

ACREAGE: N/A

APPLICANT/OWNER:

Staff

ENVIRONMENTAL REVIEW STATUS:

Reuse of the San Jose 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution # 65459.

PLANNING STAFF RECOMMENDATION:

Adopt the proposed text Amendment

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- None received.

GENERAL CORRESPONDENCE:

- None received.

ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

This is a staff initiated text amendment to eliminate the requirement for a Planned Development Zoning in two General Plan Discretionary Alternate Use Policies and to allow mixed-use developments in one land use designation and one Discretionary Alternate Use Policy. Staff proposes the modifications in an effort to encourage higher density and mixed-use developments in certain instances and to help streamline the development review process.

BACKGROUND

During the Summer 2002 General Plan hearings, the City Council approved the Housing Element Update which reviewed the housing programs, policies and processes that support housing in San Jose. San Jose is proactive in its efforts in facilitating housing opportunities, providing many financial resources to assist in the development of affordable housing and maintaining a strong policy framework in the General Plan to support higher density, affordable and mixed-use developments. As part of the Housing Element Update, staff identified future work items to facilitate the production of housing. The proposed General Plan text amendments are a result of these work items in the Housing Element Update.

ANALYSIS

The General Plan Discretionary Alternate Use Policies provide flexibility in increasing the City's ability to provide additional housing opportunities by specifying the conditions under which an alternative to uses otherwise allowed in a particular General Plan land use designation may be determined in conformance with the General Plan. The alternate use would be allowed without a General Plan amendment. As with any discretionary policy, its applicability is determined by the Director of Planning, Building and Code Enforcement. If a proposal appears controversial or raises policy concerns, then typically the Director would require a General Plan amendment, and not apply a Discretionary Alternate Use Policy.

In particular, the *Residential Density Increases Along Major Transportation Arterials and Corridors* and *Residential Uses on Commercially Designated Parcels* allow for housing or increased densities in the absence of a General Plan land use amendment if certain criteria are met and if developed under a Planned Development Zoning. Staff is proposing to eliminate the requirement for a Planned Development Zoning and also to modify the criteria to help clarify the types of development that are appropriate in these situations. The proposed text amendment, however, does not minimize the quality of project that is expected or eliminate the possible need for the City Council to consider a rezoning of property. A developer would have the choice to apply for a conventional or Planned Development Zoning. The proposed changes are to encourage the production of higher density housing and is consistent with the City's Housing Major Strategy which supports the development of housing types for all income levels.

Staff is also proposing text modifications to allow mixed use developments in one Discretionary Alternate Use Policy and one land use designation. Currently, the Discretionary Alternate Use Policy, *Location of Projects Proposing 100% Affordable Housing*, allows for development at any density if certain criteria are met. Staff is proposing to add flexibility, allowing a mixed-use component such as neighborhood-serving commercial or childcare facilities if sites are within 2,000 feet of a rail station. Such services benefit not only the immediate neighborhood, but also the transit users and other pedestrians. Additionally, staff is proposing a text amendment to one land use designation, High Density Residential (25-50 DU/AC), in effort to facilitate mixed-use development on sites within a reasonable walking distance to a passenger rail station. These changes support General Plan Major Strategies, such as Growth Management which encourages infill development and efficient use of resources, and Balanced Community Policy #1 which states that the City should foster development patterns which will achieve a whole and complete community.

The General Plan text amendment is one step in streamlining the development review process for housing and mixed-use developments. Staff is also studying potential changes to Title 20 of the Municipal Code, the Zoning Ordinance, to allow for such developments in a conventional zoning district. Any related Zoning Code changes would be proposed for Council consideration in 2003.

PUBLIC OUTREACH

The General Plan hearings were noticed in the Mercury News and community meetings were held on October 8th and 10th, 2002. In addition, the Department's web-site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of the amendments. No comments were received by the public regarding the proposed amendment. This amendment was also presented at the Development Roundtable meeting on November 8, 2002. A comment was made that developers may prefer the Planned Development process due to the certainty of the process and the ability to have City Council review a project.

RECOMMENDATION

Adopt the proposed text amendment.

PROPOSED TEXT AMENDMENT

Amend Chapter V. Land Use/Transportation Diagram; Land Use Diagram; Residential; High Density Residential 25-50 Dwelling Units Per Acre, page 141 as follows:

High Density Residential: 25-50 DU/AC Dwelling Units Per Acre

This density is typified by three to four-story apartments or condominiums over parking. This density is planned primarily near the Downtown Core Area, near commercial center with ready access to freeways and/or expressways and in the vicinity of the rail stations within the Transit-Oriented Development Corridors Special Strategy Area. ~~On a case-by-case basis, through a Planned Development zoning, incidental convenience commercial uses may be integrated into the ground floors of residential buildings if such uses are primarily intended to serve the inhabitants of the residential development. Residential projects with incidental commercial uses should be located in areas not served by typical commercial shopping and service centers, or in areas where there is an existing pattern of ground floor commercial activities on the major street.~~ Sites within a reasonable walking distance of a passenger rail station (2,000 feet) may be appropriate for vertical commercial/residential mixed-use development. The commercial component should be well integrated and well designed in the context of the overall development, with the commercial uses serving the surrounding neighborhood and rail passengers.

Amend Chapter V. Land Use/Transportation Diagram; Discretionary Alternate Use Policies; Residential Uses on Commercially Designated Parcels, page 222 as follows:

Residential Uses on Commercially Designated Parcels

Higher density residential development (minimum ~~42~~ 17 dwelling units per acre) or mixed-use commercial/residential development may be allowed ~~under Planned Development~~ on properties which are located on major thoroughfares and designated for Neighborhood/Community Commercial, Office, General Commercial, or Regional Commercial use if such development: (a) ~~takes access from the major thoroughfares~~ is designed to facilitate transit ridership and pedestrian activity; and (b) ~~is of a size and design which would provide an appropriate residential environment within the larger non-residential environment is compatible and well integrated with its surroundings~~ is compatible, well integrated, and part of an appropriate residential or mixed use environment; and (c) is of exceptional quality and exceeds the City's minimum design standards. The appropriate density for a given site should be determined based on compatibility with the surrounding land uses. Generally, the density of residential development allowed under this policy should not exceed 50 dwelling units per acre for properties on Major Arterial (115-130 ft. ROW) streets and 25 dwelling units per acre for properties on Minor Arterial (80-106 ft. ROW) or Major Collector (60-90 ft. ROW) streets.

Amend Chapter V. Land Use/Transportation Diagram; Discretionary Alternate Use Policies; Location of Projects Proposing 100% Affordable Housing, page 223 as follows:

Location of Projects Proposing 100% Affordable Housing

In order to encourage the production of housing units affordable to low- and moderate-income households, flexibility as to the use and density permitted may be provided. For properties designated for Residential, Commercial, Industrial with the Mixed Industrial Overlay, Mixed Use, or Public/Quasi-Public use on the Land Use/Transportation Diagram, development of housing at any density may be allowed under Planned Development zoning if such housing in its entirety is:

- Rental or ownership housing affordable to very low-, low- or moderate-income households.
- Proposed for a site and density compatible with surrounding land use designations.
- Located on a site consistent with the housing distribution policies of this Plan.

If located within 2,000 feet of a rail station, the development may also include a mixed-use component such as neighborhood-serving retail or childcare facilities. Mixed-use components are particularly encouraged for larger projects.

Amend Chapter V. Land Use/Transportation Diagram; Discretionary Alternate Use Policies; Residential Density Increases Along Major Transportation Arterials or Corridors, page 224 as follows:

Residential Density Increases Along Major Transportation Arterials or Corridors

In order to encourage the production of housing and the utilization of existing or proposed mass transit facilities, higher density residential (minimum of 17 DU/AC) or residential/commercial mixed-use development may be allowed on residentially designated lands only if the following criteria are met: ~~the allowable density on certain properties designated for residential use may be increased to at least 12 DU/AC but no more than 50 DU/AC. Such density increases may be allowed only if the following criteria are met:~~

- The project is within a 2,000 foot radius of a passenger rail station, within the Downtown Frame Area, within 500 feet of The Alameda (north to Shasta/Lenzen Avenues), or within a Transit-Oriented Development Corridor or Station Area Node.
- The project includes an attached residential product.
- The project exceeds minimum City design standards and is of exceptional quality.
- The project is designed to integrate with the existing neighborhood and does not impair the viability or character of the neighborhood.
- Neighborhood serving commercial uses, if any, are well integrated into the residential development, with vertical mixed use encouraged.

- The project complies with the Transportation Level of Service policy, ~~and does not require any long term mitigation measures to be in place before it can be developed.~~

~~The alternative densities allowed herein may be approved only through the Planned Development zoning process.~~